

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:06cv405

NEW PRODUCTS MARKETING)
CORP. d/b/a Stringliner Company,)
)
 Plaintiff,)
)
 vs.)
)
 LOWE'S HOME CENTERS, INC.,)
)
 Defendant.)
)
 _____)

ORDER

THIS MATTER is before the Court on the parties' responses to the Court's November 2, 2007 Order and Pre-Trial Order and Case Management Plan.

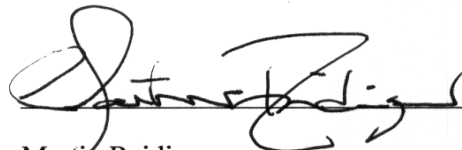
Based on the separate filings of the Plaintiff and Defendant, which filings in large measure reflect agreement of the parties, the Court will supplement the pre-trial order and case management plan. The Court notes that the parties are unable to agree as to whether obviousness and prior art are an issue in this matter. As such, the Court will accept Defendant's filing as a clarification of its pleadings to state that

obviousness and prior art are at issue.

IT IS, THEREFORE, ORDERED that the parties are limited to three (3) expert witnesses per side; any motions pertaining to the issue of obviousness and prior art shall be deferred until after the Court's decision on claim construction with all the deadlines to be governed by the prior case management order entered by the Court, and the parties are ordered to mediation which shall be concluded no later than ninety (90) days after the Court's ruling on claim construction. The parties shall identify a mediator to the Court no later than twenty-one (21) days after the entry of this order and shall communicate that selection to the Court.

IT IS SO ORDERED.

Signed: December 10, 2007


Martin Reidinger
United States District Judge

